

**U.S. District Court
Middle District of Florida (Tampa)
CRIMINAL DOCKET FOR CASE #: 8:05-mj-00295-TBM-1**

Case title: USA v. Arroyo

Date Filed: 06/02/2005

Assigned to: Magistrate Judge Thomas
B. McCoun, III

04 CR 10336-NMG-11

Defendant

Santiago Arroyo (1)
TERMINATED: 06/14/2005

represented by **Alec Fitzgerald Hall**
Federal Public Defender's Office
Middle District of Florida
400 N. Tampa St., Suite 2700
Tampa, FL 33602
813/228-2715
Fax: 813/228-2565
Email: Alec_Hall@FD.Org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21 USC 846 and 841(a)(1)

Disposition

Plaintiff

USA

represented by **Amanda C. Kaiser**
U.S. Attorney's Office
400 N. Tampa St., Suite 3200

Tampa, FL 33602
 813/274-6000
 Fax: 813/274-6108
 Email: amanda.kaiser@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/02/2005	<u>1</u>	Arrest - Rule 5(c)(2) of Santiago Arroyo from Massachusettes on charges of conspiracy to possess with intent to distibute heroin and possession with intent to distribute heroin. (src) (Entered: 06/03/2005)
06/02/2005	<u>4</u>	WAIVER of rule 5(c)(2) hearings by Santiago Arroyo (src) (Entered: 06/03/2005)
06/03/2005	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Thomas B. McCoun III:INITIAL appearance as to Santiago Arroyo held on 6/3/2005. Bond/Detention hearing set for 6/7/05 @ 2:00 before Magistrate Judge Thomas B. McCoun III. (DIGITAL) (src) (Entered: 06/03/2005)
06/08/2005	<u>5</u>	Minute Entry for proceedings held before Magistrate Judge Thomas B. McCoun III:BOND Hearing as to Santiago Arroyo held on 6/7/2005. Court enters conditional order of release. (DIGITAL) (src) (Entered: 06/08/2005)
06/08/2005	<u>6</u>	CONDITIONAL ORDER of Release as to Santiago Arroyo (1) \$30,000 Secured. Signed by Magistrate Judge Thomas B. McCoun III on 6/8/2005. Defendant will not be released until forfeiture agreements are signed by Santiago & Rosa Arroyo.(src) (Entered: 06/08/2005)
06/09/2005	<u>7</u>	NOTICE of attorney appearance: Alec Fitzgerald Hall appearing for Santiago Arroyo (Hall, Alec) (Entered: 06/09/2005)
06/14/2005	<u>8</u>	COMMITMENT to another district as to Santiago Arroyo. Defendant committed to Massachusetts. Signed by Magistrate Judge Thomas B. McCoun III on 6/8/2005. (src) (Entered: 06/14/2005)
06/14/2005	<u>9</u>	RULE 5(c)(2) transfer out to District of Massachusetts as to Santiago Arroyo. (src) (Entered: 06/14/2005)

PACER Service Center			
Transaction Receipt			
06/28/2005 10:59:13			
PACER Login:	us2353	Client Code:	
Description:	Docket Report	Search Criteria:	8:05-mj-00295-TBM
Billable Pages:	1	Cost:	0.08

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

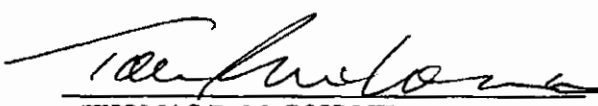
UNITED STATES OF AMERICA**AMENDED COMMITMENT**

v.

TO ANOTHER DISTRICT**SANTIAGO ARROYO****CASE NO. 8:05-M-295TBM**

CHARGES		
Charging Document	Statute	Charging District
Indictment	21 USC 846 & 841(a)(1)	District of Massachusetts
		04-10336NMG
Description: conspiracy to possess with intent to distribute and distribution of heroin		

PROCEEDINGS	
BOND STATUS:	Conditional release ordered entered. Defendant has not been able to make bail as of this date.
COUNSEL:	FPD.
INTERPRETER:	No

TO: THE UNITED STATES MARSHAL		
<p>You are hereby commanded to take custody of SANTIAGO ARROYO and to transport the defendant with a certified copy of this Commitment Order forthwith to the Charging District and there deliver him to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p>		
<p>June 8, 2005</p>	 THOMAS B. McCOUN III UNITED STATES MAGISTRATE JUDGE	
RETURN		
Commitment Order Received:	Place of Commitment:	Date Defendant Committed:
Date	United States Marshal	By Deputy Marshal

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CLERK'S MINUTES

CASE NO. 8:05-M-295TBMDATE: June 7, 2005

HONORABLE THOMAS B. McCOUN III

INTERPRETER NA

LANGUAGE _____

UNITED STATES OF AMERICA
v.Amanda Kaiser
Government CounselSANTIAGO ARROYO
DefendantAlec Hall
Defense CounselCOURT RPTR/TAPE DIGITALDEPUTY CLERK Sonya CohnTIME 2:27-2:47TOTAL _____ COURTROOM 12B

PROCEEDINGS: [] INITIAL APPEARANCE [] DETENTION [X] BOND HEARING

(Check proceedings that apply)

(Rule 5(c)(2) - DMA)

_____ Deft provided w/copy of [X] Indictment [] Information [] Complaint [] Petition

_____ ARREST DATE: _____ [] **NOT ARRESTED** - Appeared on notice

_____ Court summarized charges

_____ Court advises of Deft's Rule 5 rights

_____ Financial Affidavit submitted for approval

_____ FPD appointed for initial proceedings only _____ CJA counsel to be appointed

_____ FPD appointed w/Deft to pay _____

_____ Deft to retain counsel by _____

_____ X Govt position on release or **detention** facing substantial sentence; no ties to comm; tested
positive for illegal drugs; fled MA after indictment filed

_____ Pretrial Services Officer on background report

_____ X Deft comments on background report - no prior record; citizen of US

_____ Deft requests continuance to prepare for detention hearing to allow time to contact family

_____ Govt requests continuance to prepare for detention hearing

_____ Court grants Motion for Continuance. Detention hearing set for _____

_____ Court: Order of Temporary Detention pending hearing

_____ Court: Order of Detention Pending Trial

_____ X Court: Orders Bond set at \$30,000 Secured by father's propety (CONDITIONAL)_____ X Residence/travel extended to include the SDFL & DMA_____ X Pretrial Services Supervision_____ No drugs, firearms, alcohol _____ X No change of address w/out Court approval_____ X Maintain/seek employment_____ X Urinalysis testing as required by Pretrial Services

_____ Passport to be surrendered to Clerk, USDC

_____ X 3rd Party Custodian

_____ Pilot's license to be surrendered to _____

_____ Preliminary Examination [] WAIVED

_____ Preliminary Examination [] REQUESTED/CONDUCTED - Probable cause established

Comments:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:05-M-295TBM

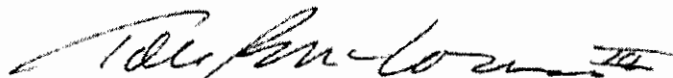
SANTIAGO ARROYO
_____ /

CONDITIONAL ORDER OF RELEASE

It is hereby **ORDERED**:

1. That the United States Marshal is hereby directed to release the above-named defendant upon his agreement, in writing, to comply with the following conditions of release.
2. That the conditions of release are hereby established as set forth below.

Done and Ordered in Tampa, Florida, this 8th day of June 2005.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Amanda Kaiser, Assistant United States Attorney
Alec Hall, Attorney for Defendant
U.S. Pretrial Services
U.S. Marshal

CONDITIONS OF RELEASE

1. The defendant must appear before the Court in accordance with all notices.
2. The defendant must not, at any time, for any reason whatsoever, leave the Middle District of Florida without first obtaining written permission of the United States District Court for the Middle District of Florida, Tampa Division.
3. The defendant must not change his present address without first advising, in writing, the United States Pretrial Services for the Middle District of Florida, Tampa Division.
4. The defendant shall not commit a federal, state or local crime during the period of his release. The defendant shall inform Pretrial Services **immediately** if arrested or otherwise charged with any offense. The defendant is specifically advised that federal law prohibits conduct relating to intimidation of witnesses, jurors and officers of the Court (18 U.S.C. § 1503); conduct relating to obstruction of criminal investigations (18 U.S.C. § 1510); conduct involving tampering with witnesses, victims or informants (18 U.S.C. § 1512); and conduct involving retaliation against a witness, victim or informant (18 U.S.C. § 1513), as well as attempts to commit any of the foregoing acts.

5. **SPECIAL CONDITIONS OF DEFENDANT'S RELEASE:**

- The defendant shall report to the United States Pre-Trial Services Agency, Tampa Division, by telephone or in person at least once each week, as directed by the Agency.
- The defendant's travel is extended to include the Southern District of Florida, Middle District of Florida, District of Georgia, and the District of Massachusetts.
- Maintain employment or if unemployed, actually seek employment.
- Post a bond in an amount totaling \$30,000 secured by Santiago & Rosa Arroyo's property and co-signed.
- Santiago & Rosa Arroyo shall act as 3rd Party Custodians for Defendant.
- Defendant shall abstain from use of all illegal substances and shall submit to urinalysis or other drug testing as directed by the Pretrial Services Agency.

6. A violation of any of the above conditions may result in the immediate issuance of a warrant for the defendant's arrest and may result in a forfeiture of the bond previously given.

Further, upon re-arrest, the defendant may be detained in jail without the setting of new conditions of release.

Moreover, a person who violates his conditions of release may be prosecuted for contempt of Court.

7. A defendant commits a separate offense against the laws of the United States if, after having been released under these conditions of release, he knowingly fails to appear before a Court as required by the conditions of release, or knowingly fails to surrender for service of a sentence pursuant to a court order. If a person fails to appear in connection with –
 - (a) an offense punishable by death, life imprisonment or imprisonment for a term of 15 years or more, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than 10 years, or both;
 - (b) an offense punishable by imprisonment for a term of five or more years, but less than 15 years, the penalties for failure to appear are a fine of not more than \$250,000, or imprisonment for not more than five years, or both;
 - (c) any other felony, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than two years, or both;
 - (d) a misdemeanor, the penalties for failure to appear are a \$100,000 fine (if the offense occurred after November 1, 1987), or a \$25,000 fine (if the offense occurred before November 1, 1987), or imprisonment for not more than one year, or both.

At the present time, the charge in this case involves penalties which equal or exceed the penalty set forth in subparagraph (b), and therefore, the penalties for failure to appear are those conditions in that subparagraph.

Any term of imprisonment imposed for failure to appear is required by law to be consecutive to the sentence of imprisonment for any other offense.

8. Furthermore, federal law provides that a person convicted of an offense which is committed while the defendant is released under these conditions of release shall be sentenced, in addition to the sentence prescribed for the offense, to a term of imprisonment of not more than 10 years if the offense is a felony; or a term of not more than one year, if the offense is a misdemeanor. Any term of imprisonment imposed pursuant to this provision of law is to be consecutive to any other term of imprisonment.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CLERK'S MINUTES

CASE NO. 8:05-M-295TBM DATE: June 2, 2005

HONORABLE THOMAS B. McCOUN III INTERPRETER NA
LANGUAGE _____

UNITED STATES OF AMERICA Amanda Kaiser
v. Government Counsel

SANTIAGO ARROYO Alec Hall
Defendant Defense Counsel

COURT RPTR/TAPE DIGITAL DEPUTY CLERK Sonya Cohn

TIME 2:35-2:46 TOTAL _____ COURTROOM 12B

PROCEEDINGS: [X] INITIAL APPEARANCE [] DETENTION [] BOND HEARING

(Check proceedings that apply)

(Rule 5(c)(2) - DMA)

X Deft provided w/copy of [X] Indictment [] Information [] Complaint [] Petition
X ARREST DATE: 6/2/05 [] **NOT ARRESTED** - Appeared on notice

X Court summarized charges

X Court advises of Deft's Rule 5 rights

X Financial Affidavit submitted for approval

X FPD appointed for initial proceedings only _____ CJA counsel to be appointed

_____ FPD appointed w/Deft to pay _____

_____ Deft to retain counsel by _____

X Govt position on release or **detention facing substantial sentence; no ties to comm; tested positive for illegal drugs**

_____ Pretrial Services Officer on background report

X Deft comments on background report - no prior record;

X Deft requests continuance to prepare for detention hearing to allow time to contact family

_____ Govt requests continuance to prepare for detention hearing

X Court grants Motion for Continuance. Detention hearing set for 6/7/05 @ 2:00 p.m.

_____ Court: Order of Temporary Detention pending hearing

_____ Court: Order of Detention Pending Trial

_____ Court: Orders Bond set at _____

_____ Residence/travel restricted to Middle District of Florida

_____ Pretrial Services Supervision

_____ No drugs, firearms, alcohol _____ No change of address w/out Court approval

_____ Maintain/seek employment

_____ Urinalysis testing as required by Pretrial Services

_____ Passport to be surrendered to Clerk, USDC

_____ Obtain no passport

_____ Pilot's license to be surrendered to _____

_____ Preliminary Examination [] WAIVED

_____ Preliminary Examination [] REQUESTED/CONDUCTED - Probable cause established

Comments: